

PATENT COOPERATION TREATY

PCT

REC'D 25 OCT 2004

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)



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| Applicant's or agent's file reference P15440PC00 | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416) | |
| International application No. PCT/IB 03/05918 | International filing date (day/month/year) 16.12.2003 | Priority date (day/month/year) 17.12.2002 |
| International Patent Classification (IPC) or both national classification and IPC E04H4/16 | | |
| Applicant RISSIK, George Victor | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.
- ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of 1 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

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| Date of submission of the demand 05.07.2004 | Date of completion of this report 26.10.2004 |
| Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016 | Authorized Officer Zuurveld, G Telephone No. +31 70 340-4545  |

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/B 03/05918**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-4 as originally filed

Claims, Numbers

1-6 as amended (together with any statement) under Art. 19 PCT

Drawings, Sheets

1/1 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☒ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

see separate sheet

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|---------|
| Novelty (N) | Yes: Claims | 3,5 |
| | No: Claims | 1,2,4,6 |
| Inventive step (IS) | Yes: Claims | |
| | No: Claims | 1-6 |
| Industrial applicability (IA) | Yes: Claims | 1-6 |
| | No: Claims | |

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IB 03/05918

Re Item I

Basis of the report

1. The arguments put forward by the applicant have been duly considered. However, the objection that the amended claims go beyond the application as originally filed is still maintained, the reason being as follows:

the range of the angle of inclination of the inlet and outlet ends between 150° to 165° is not disclosed in the original application. The disclosure of the discrete angle of 150° **does not disclose the range** of this discrete angle to the outer bound value of 165°. Therefore the requirements of Article 19(2) PCT are not fulfilled.

Furthermore, the discrete value of the angle of inclination being 160° (cf. amended claim 3) **is neither** disclosed in the application as originally filed.

Basis of the report will be the claims as originally filed.

N.B: If the amended claims had been allowable with respect to Article 19(2) PCT, then the application would not have fulfilled the requirements of Article 33(3) for lack of inventive step, cf. PCT Guidelines 13.14 (e)(ii).

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following document:

D1: EP-A-0 745 744 (DURIGON DUILIO) 4 December 1996 (1996-12-04)

2. INDEPENDENT CLAIM 1

The application does not fulfill the requirements of Article 33(1) for the following reasons:

- 2.1 The wording "...means for submerged surface suction cleaning apparatus..." must be interpreted as "...means **suitable** for submerged surface suction cleaning

apparatus...", cf. PCT Guidelines 5.23. This also applies to "...elbow joint for insertion..."

2.2 Claim 1 is not clear, Article 6 PCT, because it not only defines the product itself (a directional control means) but also specifies its relationship to a second product (a cleaning apparatus) and a third product (flexible hose) which are not part of the claimed invention, cf. PCT Guidelines, 5.37.

2.3 However, insofar claim 1 can be understood, it cannot be considered novel, Article 33(2) PCT, since document D1 discloses (cf. the corresponding passages cited in the search report):

a means suitable for submerged surface suction cleaning apparatus comprising an elbow joint (cf. fig. 18) suitable for insertion between a cleaning apparatus and a flexible hose whereby each end of the elbow includes a swivel connection (156) and (158).

It is still maintained that since the means known from D1 comprises all the features of the directional control means of claim 1, this means can be considered to be, next to a device which deals with problems relating to hose wind up, a directional control means, cf. PCT Guidelines 12.05.

Furthermore, the means known from D1 is used in a submerged surface suction cleaner. Therefore it is suitable for a submerged surface suction cleaning apparatus as claimed in claim 1.

Therefore, the subject-matter of claim 1 is known from D1.

N.B: The arguments put forward in applicant's first letter, i.e. that angle referred to is critical to efficient function of the pool cleaner in curved bottom pools or square bottom pools have to be considered at their own merits. They are however not part of the application as originally filed and any features relating to those arguments are not present in the claims currently on file.

2.4 Dependent claims 2-5 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, see document D1 and the corresponding passages cited in the search report:

**INTERNATIONAL PRELIMINARY
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International application No. PCT/IB 03/05918

-the features of claim 2 and 4 are known from D1;

-the feature of claim 3 is merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem posed. The same applies to the features of claim 5.

2.5 Claim 6 is not allowable, see Rule 6.2(a) PCT.

AMENDED CLAIMS

[received by the International Bureau on 03 May 2004 (03.05.04);
original claims 1-3 amended; remaining claims unchanged (1 page)]

1. A directional control means for submerged surface suction
cleaning apparatus comprising an elbow joint (1) for insertion
between a cleaning apparatus and a flexible hose characterised
in that each end of the elbow (2) includes a swivel connection (5)
and (9) and inlet (3) and outlet (4) ends inclined to each other at
between 150° to 165°.
2. A directional control means as claimed in claim 1 characterised in
that the elbow (2) has inlet (3) and outlet (4) ends inclined to each
other at between 150°.
3. A directional control means as claimed in claim 1 characterised in
that the elbow (2) has inlet (3) and outlet (4) ends inclined to each
other at 160°.
4. A directional control means as claimed in any one of the
preceding claims characterised in that elbow joint (1) has inlet (3)
and outlet (4) ends which provide spigots (10) or socket (11) or
one spigot (10) and one socket (11) connections.
5. A directional control means as claimed in any one of the
preceding claims in which the swivel connections (5) and (9)
between the elbow (2) and the inlet (3) and outlet (4) ends are
formed with anti-friction surfaces.
6. A directional control means for submerged surfaces suction
cleaning apparatus substantially as described and illustrated in
Fig 1.

*Replaced
by Art 34*

CLAIMS

1. A directional control means for submerged surface suction
cleaning apparatus comprising an elbow joint (1) for insertion
between a cleaning apparatus and a flexible hose characterised
in that each end of the elbow (2) includes a swivel connection (5)
and (9).
2. A directional control means as claimed in claim 1 characterised in
that the elbow (2) has inlet (3) and outlet (4) ends inclined to each
other at between 135° and 165°.
3. A directional control means as claimed in claim 2 characterised in
that the elbow (2) has inlet (3) and outlet (4) ends inclined to each
other at 150°.
4. A directional control means as claimed in any one of the
preceding claims characterised in that elbow joint (1) has inlet (3)
and outlet (4) ends which provide spigots (10) or socket (11) or
one spigot (10) and one socket (11) connections.
5. A directional control means as claimed in any one of the
preceding claims in which the swivel connections (5) and (9)
between the elbow (2) and the inlet (3) and outlet (4) ends are
formed with anti-friction surfaces.
6. A directional control means for submerged surfaces suction
cleaning apparatus substantially as described and illustrated in
Fig 1.

Replaced by
Article 34